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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) *22-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 27-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11/25/07*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgments

1.   Applicants' amendment filed on January 15, 2008 is acknowledged. Accordingly

claims 1-21 and 27-42 remain pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-12, 14-19, 27-38, and 39-42**, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Linehan U.S. patent No. 6,327578 B1 in view of D'Arbeloff et al

(herein after "D'Arbeloff") U.S. Patent Application Publication No. 2003/0009382 A1.

4.   As per **claims 1, and 15**, Linehan discloses a computerized method comprising:

        receiving, at a payment network, a first information packet from a merchant, the

first information packet including a cost of a financial transaction between the merchant

and a customer and a credential presented by the customer as a payment for the

financial transaction (see figs. 1 and 3; merchant sends …initiation message with

payment amount, order description, timestamp….);

        using the credential to determine, with the payment network, account information

that identifies a financial account maintained by the customer at a financial institution

and authorization information that allows debit access to the identified financial account

(see fig. 1; …consumer sends authorization token to merchant…; col. 4, lines 25-45;

…gateway verifies that the consumer's account is active and has sufficient funds…);

generating, at the payment network, a second information packet comprising the

account information and the authorization information (col. 4, lines 25-45; …pre-

authorizes payment by sending an authorization token…);

selecting one of a plurality of financial transaction networks over which to

transmit the second information packet to the financial institution (see fig. 2 and 4; col.

3, lines 15-45; …forwards consumer's payment request over internet path…);

transmitting from the payment network the second information packet to the

financial institution using the selected financial transaction network, with a request to

perform a debit transaction from the identified financial account for at least a portion of

the cost of the financial transaction (see fig. 2 and 4; …merchant request

message…signed authorization token…; col. 4, lines 25-55; the acquiring bank will

settle accounts with the issuing bank…).

5.   What Linehan does not explicitly disclose is:

selecting one of a plurality of financial transaction networks over which to

transmit the second information packet to the financial institution.

6.   D'Arbloff discloses:

 selecting one of a plurality of financial transaction networks over which to

transmit the second information packet to the financial institution (see fig. 1; 0006, which

discloses "selecting the one of the plurality of payment networks according to the

payment record"; 0065, which discloses determines a payment network selected by the

user, …. The process 200 sends 214 payment to the appropriate payment network …;

see claim 8, which discloses "selecting the one of the plurality of payment networks").

7.   Accordingly, it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to modify the method of Linehan and incorporate the

method, comprising selecting one of a plurality of financial transaction networks over

which to transmit the second information packet to the financial institution in view of the

teachings of D'Arbeloff since the claimed invention is merely a combination of old and

known elements, and in the combination each element would have performed the same

function as it did separately, and one of ordinary skill in art would have recognized that

the results of the combination were predictable.

8.   As per **claim 2 and 28**, Linehan further discloses the method, further comprising

using the credential to determine, with the payment network, second account

information that identifies a second financial account maintained by the customer at one

of the financial institution and a second financial institution and second authorization

information that allows debit access to the identified second financial account (col. 4,

lines 45-55; apply the transaction amount to consumer's credit card or deposit

account…; col. 10, lines 50-60; col. 12, lines 50-55; divide payments into two or more

portions that are separately authorized…).

9.   As per **claim 3 and 29**, Linehan further discloses the method, further comprising:

determining, at the payment network, an apportionment of the cost among the
first and second financial accounts (col. 12, line 50-col. 13, line 30; divide payments into
two or more portions that are separately authorized…);

generating, at the payment network, a third information packet comprising the
second account information, the second authorization information, and a portion of the
cost to apply to the second financial account in accordance with the apportionment (col.
12, line 50-col. 13, line 30; split payments with separate authorizations…);

and wherein the second information packet further includes a second portion of
the cost to apply to the financial account in accordance with the apportionment (col. 12,
line 50-col. 13, line 60).

10.   As per **claims 4, 17, 19 and 30**, Linehan further discloses the method, further
comprising:

receiving, at the payment network, a response from the financial institution
indicating approval or denial of the debit transaction (col. 4, lines 25-55); and
transmitting, from the payment network, an authorization code to the merchant
indicating approval or denial of the financial transaction in accordance with the response
received from the financial institution (see fig. 2; col. 4, lines 25-55).

11.   As per **claims 5, and 31**, Linehan further discloses the method, further
comprising:

performing, with the payment network, a risk analysis of the financial transaction (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...); and

determining, with the payment network, whether to provide a guarantee of the financial transaction to the merchant based on the risk analysis, wherein the authorization code further reflects whether the guarantee is provided (col. 4, lines 45-65; ...undeniable proof that the issuer authorized the payment...).

12.   As per **claims 6 and 36**, Linehan further discloses the method, wherein: the account information comprises a primary account number for the identified financial account (col. 10, lines 50-60); and

the authorization information comprises a personal identification number assigned to the customer for accessing the identified financial account (fig. 2; col. 7, lines 40-55; ...includes various method to perform authentication of consumer...).

13.   As per **claims 7 and 32**, Linehan further discloses the method, wherein selecting one of a plurality of transaction networks comprises:

performing, with the payment network, a risk analysis of the financial transaction (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...); and

selecting the financial transaction network based on the risk analysis (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...).

14.   As per **claims 8 and 33**, Linehan further discloses the method, wherein selecting one of a plurality of financial transaction networks comprises selecting an automated clearing house ("ACH") network (see figs. 2 and 4).

15.   As per **claims 9 and 34**, Linehan further discloses the method, wherein selecting one of a plurality of financial transaction networks comprises selecting a debit system (col. 7, lines 40-55; ...debit card and PIN...).

16.   As per **claims 10 and 35**, Linehan further discloses the method, wherein selecting one of a plurality of transaction financial networks comprises selecting a direct network path to the financial institution from the payment network (see figs. 2 and 4).

17.   As per **claims 11 and 37**, Linehan further discloses the method, wherein the credential comprises a payment network account number assigned to the customer to access the payment network (col. 10, lines 50-65).

18.   As per **claim 12**, Linehan further discloses the method:

wherein the credential further comprises a personal identification number (PIN) (col. 7, lines 40-55; ...debit card and PIN...or userID and password...); and

wherein the method further comprises verifying, with the payment network, the PIN is associated with the payment network account (col. 7, lines 40-55; ...authentication of the cosumer...).

19.   As per **claims 13 and 38**, Linehan failed to explicitly disclose the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction.

D'Arbeloff discloses the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction (0003, 0009, 0016...loyalty rewards...).

20.   Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Linehan and incorporate the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction in view of the teachings of D'Arbeloff resulting in repeat consumers.

21.   As per **claim 14**, Linehan further discloses the method, wherein receiving the first information packet comprises receiving the first information packet from an Internet

merchant and wherein the financial transaction is an Internet-based financial transaction (see figs. 2 and 4).

22.   As per **<u>claim 16</u>**, Linehan discloses a computerized method comprising:

receiving, at a payment network, an information packet from a merchant, the information packet including a cost of a financial transaction between the merchant and a customer and a credential assigned to the customer (see figs. 1 and 3; merchant sends …initiation message with payment amount, order description, timestamp….);

using the credential to determine, with the payment network, account information identifying a plurality of financial accounts maintained by the customer at one or more financial institutions ();

using the credential to determine, with the payment network, authorization information for each of the identified financial accounts that allows access to the identified financial accounts (col. 10, lines 45-60);

determining, at the payment network, an apportionment of the cost to apply to each of the identified financial accounts (col. 12, lines 50-55; …divide payments into two or more portions that are separately authorized…);

generating, at the payment network, a plurality of authentication packets for each of the identified financial accounts, each authentication packet comprising account information for one of the identified financial accounts, authorization information for the identified financial account, and the determined apportionment of the cost to apply to

the identified financial account (col. 12, line 50-col. 13, line 30; …new authorization token…);

　　selecting one of a plurality of financial transaction networks over which to transmit the plurality of the authentication packets to the one or more financial institutions; and

　　transmitting from the payment network, using the selected financial transaction network, each of the authentication packets to the respective financial institution at which the financial account is maintained (col. 13, lines 1-30; …resubmits new authorization token…).

23.　　What Linehan does not explicitly disclose is:

　　selecting one of a plurality of financial transaction networks over which to transmit the plurality of the authentication packets to the one or more financial institutions.

24.　　D'Arbloff discloses:

　　selecting one of a plurality of financial transaction networks over which to transmit the plurality of the authentication packets to the one or more financial institutions (see fig. 1; 0006, which discloses "selecting the one of the plurality of payment networks according to the payment record"; 0065, which discloses determines a payment network selected by the user, …. The process 200 sends 214 payment to the appropriate payment network …; see claim 8, which discloses "selecting the one of the plurality of payment networks").

25.　　Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Linehan and incorporate the

method, comprising selecting one of a plurality of financial transaction networks over which to transmit the plurality of the authentication packets to the one or more financial institutions in view of the teachings of D'Arbeloff since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

26.   As per **claim 18**, Linehan failed to explicitly disclose the method, further comprising:

receiving a response to the additional authentication packet indicating denial of the debit transaction; and

transmitting, from the payment network, an authorization code to the merchant indicating denial of the financial transaction. Linehan however verifies whether the consumer account is sufficient for the transaction.

27.   D'Arbeloff discloses

receiving a response to the additional authentication packet indicating denial of the debit transaction (0065, which discloses sends denial of service message…); and

transmitting, from the payment network, an authorization code to the merchant indicating denial of the financial transaction (0065, which discloses sends denial of service message)

28.   Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Linehan and incorporate receiving a response to the additional authentication packet indicating denial of the debit transaction; and transmitting, from the payment network, an authorization code to the merchant indicating denial of the financial transaction in view of the teachings of D'Arbeloff since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

29.   As per **claims 27 and 39**, Linehan discloses a payment network comprising:

a communications device (see figs. 2-4); a processor (see figs. 2-4);

a storage device (see figs. 2-4); and

a memory coupled with the processor, the memory comprising a computer-readable medium having a computer-readable program embodied therein for directing operation of the payment network, the computer-readable program including:

instructions for receiving, with the communications device, a first information packet from a merchant, the first information packet including a cost of a financial transaction between the merchant and a customer and a credential presented by the customer as a payment for the financial transaction (see figs. 1 and 3; merchant sends …initiation message with payment amount, order description, timestamp….);

instructions for determining from the credential, with the processor, account information that identifies a financial account maintained by the customer at a financial institution and authorization information that allows debit access to the identified financial account (see fig. 1; …consumer sends authorization token to merchant…; col. 4, lines 25-45; …gateway verifies that the consumer's account is active and has sufficient funds…);

instructions for generating, with the processor, a second information packet comprising the transaction information, the account information, and the authorization information (col. 4, lines 25-45; …pre-authorizes payment by sending an authorization token…);

instructions for selecting, with the processor, one of a plurality of financial transaction networks over which to transmit the second information packet to the financial institution; and

instructions for transmitting, with the communications device, the second information packet to the financial institution using the selected financial transaction network, with a request to perform a debit transaction from the identified financial account for at least a portion of the cost of the financial transaction (see fig. 2 and 4; …merchant request message…signed authorization token…; col. 4, lines 25-55; the acquiring bank will settle accounts with the issuing bank…).

30.   What Linehan does not explicitly disclose is:

instructions for selecting, with the processor, one of a plurality of financial transaction networks over which to transmit the second information packet to the financial institution.

31.   D'Arbloff discloses:

instructions for selecting, with the processor, one of a plurality of financial transaction networks over which to transmit the second information packet to the financial institution (see fig. 1; 0006, which discloses "selecting the one of the plurality of payment networks according to the payment record"; 0065, which discloses determines a payment network selected by the user, …. The process 200 sends 214 payment to the appropriate payment network …; see claim 8, which discloses "selecting the one of the plurality of payment networks").

32.   Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Linehan and incorporate the method, comprising instructions for selecting, with the processor, one of a plurality of financial transaction networks over which to transmit the second information packet to the financial institution in view of the teachings of D'Arbeloff since the claimed invention is merely a combination of old and known elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in art would have recognized that the results of the combination were predictable.

33.   As per **claim 40**, Linehan further discloses the payment network, wherein the

instructions for verifying the account information and the authorization information

comprise instructions for each of the identified financial accounts:

instructions for transmitting, with the communications device, the account information

and the authorization information to the financial institution associated with the identified

financial account with a request to authenticate the information for the identified

financial account (see figs. 2 and 4; merchant request message …signed authorization

token…);

        instructions for receiving, with the communications device, a response from the

financial institution authenticating the information (see figs. 2 and 4; col. 7, lines 40-55;

includes variety of methods to perform authentication of consumer…).

34.   As per **claim 41**, Linehan further discloses the payment network, wherein the

computer-readable program further comprises: instructions for receiving, with the

communications device, an allocation apportionment for each of the identified financial

accounts indicating the portion of future financial transactions to allocate to each of the

identified financial accounts (col. 12, line 50-col. 13, line 30; …recurring payment,

installment payment, split payments…).

35.   As per **claim 42**, Linehan further discloses the payment network, wherein the

computer-readable program further includes instructions for generating, with the

processor, a unique account number for the customer to access the payment network
(col. 10, lines 50-67).

36.   **Claims 20 and 21**, are rejected under 35 U.S.C. 103(a) as being unpatentable
over Linehan U.S. Patent No. 6,327,578 B1 and D'Arbloff et al (herein after "D'Arbeloff")
U.S. Patent Application Publication No. 2003/0009382 A1 and further in view of Cohen
U.S. Patent No. 6,422,462 B1.

37.   As per **claim 20**, both Linehan and D'Arbeloff failed to explicitly disclose the
method, wherein determining an apportionment of the cost comprises apportioning the
cost equally among the identified financial accounts.

38.   Cohen discloses the method, wherein determining an apportionment of the cost
comprises apportioning the cost equally among the identified financial accounts (col. 9,
lines 45-55; ...distributed over plurality of cards...designating particular sum...).

39.   Accordingly, it would have been obvious to one of ordinary skill in the art at the
time of applicant's invention to modify the method of Linehan and incorporate the
method, wherein determining an apportionment of the cost comprises apportioning the
cost equally among the identified financial accounts in view of the teachings of Cohen
resulting in further security.

40.   As per **claim 21**, both Linehan and D'Arbeloff failed to explicitly disclose the
method, wherein determining an apportionment of the cost comprises using an
allocation apportionment specified by the customer.

41.   Cohen discloses the method, wherein determining an apportionment of the cost
comprises using an allocation apportionment specified by the customer (col. 9, lines 45-
55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the
time of applicant's invention to modify the method of Linehan and incorporate the
method, wherein determining an apportionment of the cost comprises using an
allocation apportionment specified by the customer in view of the teachings of Cohen
resulting in further security.

Response to Arguments

Applicant's arguments with respect to claims 1-21 and 27-42 have been
considered but are moot in view of the new ground(s) of rejection.

Conclusion

42.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

43.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

44.   **Examiner's Note:** Examiner has cited particular columns and line numbers in

the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art ad are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the

responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the examiner.

45.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Charles C.L. Agwumezie** whose number is **(571) 272-
6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

46.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Andrew Fischer** can be reached on **(571) 272 – 6779**.

47.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charlie C Agwumezie
Examiner, Art Unit 3621
April 7, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621